

UNITED STATES DISTRICT COURT

DISTRICT OF PUERTO RICO

THE UNITED STATES OF AMERICA

Plaintiff [s],

Case No.: 97-CR-228 ADC

VS.

JOSE RAMON HERNANDEZ

Defendant [s],

MOTION FOR APPOINTMENT OF COUNSEL UNDER CJA

COMES NOW, defendant JOSE RAMON HERNANDEZ - through counsel- and pursuant to Local Rule 7.1 and the Sixth Amendment to the U.S. Constitution, moves this Honorable Court for appointment of Counsel Lorenzo J. Palomares-Starbuck under the Criminal Justice Act 18 U.S.C § 3006A. In support the defendant states and prays as follows:

1. The defendant is indigent and has been in jailed pending a new trial for 9 years.

- 1 2. The issues before this Honorable Court are well known and the appearing counsel has
- 2 been continuing representing the appellant since 2002.
- 3 3. The family of the defendant has informed the appearing counsel that they lack the
- 4 necessary funds to continue to pay for the representation of the defendant in the instant
- 5 case.
- 6 4. On April 6th 2006 the First Circuit -in a landmark- case remanded the case to a new Judge
- 7 for proceedings consistent with the published opinion.
- 8 5. This Court has issued a status conference and the appearing counsel has not been retained
- 9 by the family to represent the defendant on remand.
- 10 6. The appearing counsel is a member -in good standing- of the CJA panel of this
- 11 Honorable Court, and is prepare to continue the representation of the defendant, if
- 12 appointed by the court to continue the representation of the defendant.
- 13 7. This court is aware of the many years and hard work that Mr. Jose Hernandez counsel has
- 14 worked on Mr. Hernandez case. Depending upon who the court deals with the First
- 15 Circuit mandate, Mr. Hernandez will need a court appointed counsel that is familiar with
- 16 the case at bar, and who can continue the representation without undo delay.
- 17

18 **WHEREFORE** the appearing defendant prays to this Honorable Court to directly appoint
19 the appearing counsel under the CJA panel of this Court to continue representing the
20 defendant before this court.

21 Respectfully submitted,

22 *Lorenzo J. Palomares Starbuck*

23 Lorenzo J. Palomares-Starbuck, Esq.

24 USDC-PR # 218107

25 Lorenzo Palomares, P.S.C.

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4 **CERTIFICATE OF SERVICE**

5 I certify that on this day July 13, 2006, the undersigned filed this notice of appearance
6 with the Court's CF/ECM electronic filing system that will send to all counsels of record.
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8 *s./Lorenzo J. Palomares, Esq.*
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